

REMARKS

The Examiner has rejected claims 34–66. Claims 1–33 were previously canceled. Claims 46, 54, 55 are being canceled without prejudice or disclaimer. Claims 34, 35, 45, 47, 49, 53, 64 are being amended to further recite the features of the invention. As a result, claims 34–45, 47–53, and 56–66 are pending for examination with claims 34, 45, and 53 being independent claims. The amendments made find support in the specification and do not constitute new matter.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 34, 35, 39, 40, 44–59, and 62–66 under 35 U.S.C. §103(a) as being unpatentable over Shipp (US Publication No. 2004/0093384) ("Shipp") in view of Hart (US Publication No. 2002/0116463) ("Hart") and in further view of McCormick et al (US Patent No. 6,421,709) ("McCormick"). Further, the Examiner has rejected claims 36, 41–43, and 60 under 35 U.S.C. §103(a) as being unpatentable over Shipp in view of Hart and McCormick, and in further view of Pantel et al. (SpamCop: A Spam Classification & Organization Program) ("Pantel"). Further, the Examiner has rejected claims 37, 38, and 61 under 35 U.S.C. §103(a) as being unpatentable over Shipp in view of Hart and McCormick, and in further view of Katsikas (US Patent No. 6,868,498) ("Katsikas"). Applicants traverse. Even so, Applicants have amended some of the claims to further recite the features of the invention.

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In particular, Applicants have amended claim 34 to call for:

"...a spam analyzer operable to process a log file received from each of a plurality of message switches, each message switch processing an email against the plurality of spam rules thus determining if the processed email will be marked as spam, and for each match between the processed email and each of the plurality of spam rules, each message switch creating an entry in its log file corresponding to the processed email and the matching spam rule wherein each entry includes the score from each matching spam rule, the spam analyzer operable to update the attributes of at least one of the plurality of spam rules in the database, the updating including modifying the score of the at least one of the plurality of spam rules, the updating based on statistics calculated from at least one of the log files, wherein the spam analyzer is distinct from each of the plurality of message switches, and wherein each of the plurality of message switches are software being executed on one of a plurality of mail servers;..." (underlining added for emphasis)

Claims 45 and 53 have been similarly amended. Support for the amendments can be found in the original specification.

Accordingly, Applicants claim a "spam analyzer" that processes "log files received from each of a plurality of message switches" and for "each message switch creating an entry in its log file corresponding to the processed email and the matching spam rule wherein each entry includes the score from each matching spam rule" and wherein "the spam analyzer operable to update the attributes of at least one of the plurality of spam rules in the database" or the like.

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The Examiner points out Shipp, paragraphs 0014, 0028, 0030, and 0035 as teaching Applicants' "spam analyzer" feature as claimed herein above. Applicants traverse. In particular, Shipp teaches:

"A message decomposer/analyser 21, which decomposes emails into their constituent parts, and analyses them to assess whether they are candidates for logging; A logger 22, which prepares a database entry for each message selected as a logging candidate by the decomposer/analyser 21; ... A bounce analyser 28 (optional) which logs mail that bounces to the database." (Shipp, portions para 0028-0035; emphasis added)

Accordingly, Shipp seems to teach an "analyser" that analyses email for possible logging (also see McCormick para 0036). Shipp also seems to teach a "logger" and a "bounce analyser" that log email messages (also see McCormick paras 0080 and 0094). But Shipp does not seem to teach a spam analyzer analyzing log files created by distinct message switches that process email messages, the log files including entries with the scores of rules matched by email messages. Therefore Shipp does not teach, disclose, or suggest Applicants' claimed features including, "a spam analyzer operable to process a log file received from each of a plurality of message switches... wherein the spam analyzer is distinct from each of the plurality of message switches, and wherein each of the plurality of message switches are software being executed on one of a plurality of mail servers" or the like. **As such, Shipp's "analyser" is not the same as Applicants' "spam analyzer".** Accordingly, the Applicants submit that claim s 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, **Applicants respectfully request that the Examiner withdraw the rejection.**

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Further, Shipp seems to teach a "database" to which email messages and/or their "constituent parts" are logged (see paragraphs 0028, 0094, and 0126). In particular, Shipp seems to teach logging emails themselves, but not information about which rules match a processed email and the score of matching rules as claimed by Applicants. As such, Shipp does not teach, disclose, or suggest Applicants' "log files" including "each message switch creating an entry in its log file corresponding to the processed email and the matching spam rule wherein each entry includes the score from each matching spam rule". As such, Shipp's "database" is not the same as Applicants' "log files". Accordingly, the Applicants submit that claims 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, the Examiner asserts that McCormick, "teaches a select rules filing including one or more select rules of the plurality of spam rules, each of the one or more select rules being included in the select rules filed based on its attributes, the select rules file being transmitted to the message switch" and, as support, cites McCormick, column 12, lines 18-38. Applicants traverse. Even so, Applicants have amended claim 34 to include:

"...a select rules file including one or more select rules from the database of the plurality of spam rules, each of the one or more select rules being included in the select rules file based on its attributes, the select rules file being replicated to each of the message switches." (Claim 1 as amended; emphasis added)

Claims 45 and 53 have been similarly amended. Support for the amendments can be found in the original specification.

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McCormick, on the other hand, as pointed out by the Examiner, teaches that, "...Spam and Submittal Filters are both stored in relational databases" and then goes on to recommend using "existing database technology" for the cited relational databases, and the states, "those product's replication technology to scale the Collaboration Filter across the enterprise" (see McCormick, col. 12, lines 25-32). As such, McCormick's conventional database replication is different than Applicants' claimed features including, "the select rules file being replicated to each of the message switches". Accordingly, the Applicants submit that claims 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, Applicants respectfully request that the Examiner withdraw the rejection.

Further, McCormick defines the replicated Spam and Submittal Filters in the following terms:

"The Collaborative Filter is comprised of two major components: the Spam Filter and the Submittal Filter. The Spam Filter is responsible for filtering incoming e-mail while the Submittal Filter filters user submissions to the Spam Filter. These two components cooperate to form the Collaborative filtering process that consists of the following major steps as shown in FIG. 8." (McCormick, col. 9, lines 8-13; emphasis added)

Accordingly, none of McCormick's "Collaborative Filter", "Spam Filter", and "Submittal Filter" is the same as Applicants' claimed "select rules file". Further, McCormick teaches that the "Spam Filter contains messages: "If the message does not already exist in the Spam Filter, then it is added" (McCormick, col. 9, lines 33-35), thus indicating that the Spam Filter includes "messages" rather than "rules", as asserted by

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the Examiner. Therefore McCormick does not teach the Spam Filter including anything like Applicants' claimed, "select rules file including one or more select rules from the database of the plurality of spam rules". **As such, McCormick's "Spam Filter" including "messages" is not the same as Applicants' "select rules file".** Accordingly, the Applicants submit that claim 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, **Applicants respectfully request that the Examiner withdraw the rejection.**

Further, the Examiner asserts that, "...It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of sending selected rules to a message switch with the score-based antispam system of Shipp. One of ordinary skill in the art would have done so for the purpose of replicating collaborative filter data across the enterprise..." and, as support, the Examiner cites McCormick, column 12, lines 30-38. (OA, pg. 3, lines 10-14) Applicants traverse.

In particular, as shown herein above and as admitted by the Examiner, McCormick teaches "replicating collaborative filter data across the enterprise" (OA, pg. 3, lines 13-14) wherein the "collaborative filter data" may include a "Spam Filter" that includes "messages" but not "rules". **As such, what McCormick is replicating—a Spam Filter including messages—is not the same as Applicants' claimed features including, "the select rules file being replicated to each of the message switches".** Accordingly, the Applicants submit that claim 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, **Applicants respectfully request that the Examiner withdraw the rejection.**

Accordingly, the Applicants submit that claims 34, 45, and 53 are not unpatentable over Shipp, even in view of Hart and McCormick. As such, Applicants respectfully request that the Examiner withdraw the rejection.

Claims 35–44, 47–52, and 56–66 are dependent on claim 34, 45, or 53. As such, claims 35–44, 47–52, and 56–66 are believed allowable based at least in part upon claim 34, 45, or 53.

Request for Reconsideration

Accordingly, reconsideration and examination of the above-referenced application are requested.

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CONCLUSION

Accordingly, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested. Based on the foregoing, Applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

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AMENDMENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: November 20, 2008

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November 20, 2008
Date

/Noemi Tovar/
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